

**Amendments to the Claims:**

This listing of claims will replace all prior versions and listings of claims in the application.

**Listing of Claims:**

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1. (currently amended) A fireplace for simulating a natural fire, comprising:

a front panel; and

a flame simulation apparatus including:

~~a flame element directly viewable through the front panel and coupled to a device that alters the position of the flame element;~~

a moving means coupled to the flame element and configured to move the flame element from a fixed position, the moving means being adjustable about a vertical axis to move the flame element; and

a blower configured to provide moving air that alters a position of the flame element.

2. (currently amended) The fireplace of claim 1, wherein the device ~~comprises a blower positioned is arranged and configured to blow air upon and the flame element to alter the position of the flame element.~~

3. (currently amended) The fireplace of claim 1, wherein the device ~~comprises a moving means for moving the flame element from a fixed position the blower is positioned vertically below the flame element.~~

4. (withdrawn) The fireplace of ~~claim 3~~ claim 1, wherein the moving means comprises an electric motor coupled to a drive pulley and a drive belt coupling the drive pulley to an idler pulley; and wherein the flame element is coupled to the idler pulley to produce rotary motion of the flame element.

5. (currently amended) The fireplace of claim 1, wherein the device ~~comprises: a blower coupled to the flame element to alter the position of the flame element; and~~

~~moving means for moving the flame element from a fixed position~~ flame element  
comprises a single piece of substantially flat material having a flame shape.

6. (withdrawn) The fireplace of ~~claim 5~~ claim 2, wherein the moving means comprises:

an electric motor coupled to a drive pulley and a drive belt coupling the drive pulley to an idler pulley; and wherein the flame element is coupled to the idler pulley to produce rotary motion of the flame element.

7. (original) The fireplace of claim 1, further comprising a light source positioned to direct light upon the flame element.

8. (original) The fireplace of claim 1, wherein the flame element comprises a silk material.

9. (original) The fireplace of claim 1, wherein the flame element comprises a body portion and an edge portion; and wherein the edge portion is treated with a stiffening material.

10. (original) The fireplace of claim 1, further comprising a back panel and side panels enclosing the flame simulation apparatus, wherein the back panel and side panels comprise a partial mirrored surface to produce a reflection of the flame element.

11. (original) The fireplace of claim 1, further comprising a log set positioned between the front panel and the flame element.

12. (currently amended) A fireplace for simulating a natural fire comprising:  
an enclosure defining a chamber;

a flame element disposed within the chamber and viewable to the observer;

a moving means coupled to the flame element and configured to move the flame element from a fixed position, the moving means being adjustable about a vertical axis to move the flame element; and

a device coupled to the flame element to alter the position of the flame element

a blower configured to provide moving air that alters a position of the flame element.

13. (currently amended) The fireplace of claim 12, wherein the ~~device comprises a blower positioned is arranged and configured to blow air upon the flame element to alter the position of the flame element.~~

14. (currently amended) The fireplace of claim 12, wherein the ~~device comprises a moving means for moving the flame element from a fixed position the blower is positioned vertically below the flame element.~~

15. (withdrawn) The fireplace of ~~claim 14~~ claim 12, wherein the moving means comprises an electric motor coupled to a drive pulley and a drive belt coupling the drive pulley to an idler pulley; and wherein the flame element is coupled to the idler pulley to produce rotary motion of the flame element.

16. (currently amended) The fireplace of claim 12, wherein the ~~device comprises: a blower coupled to the flame element to alter the position of the flame element; and moving means for moving the flame element from a fixed position flame element comprises a single piece of substantially flat material having a flame shape.~~

17. (withdrawn) The fireplace of ~~claim 16~~ claim 13, wherein the moving means comprises an electric motor coupled to a drive pulley and a drive belt coupling the drive pulley to an idler pulley; and wherein the flame element is coupled to the idler pulley to produce rotary motion of the flame element.

18. (original) The fireplace of claim 12, further comprising a light source positioned to direct light upon the flame element.

19. (original) The fireplace of claim 12, wherein the flame element comprises a silk material.

20. (original) The fireplace of claim 12, wherein the flame element comprises a body portion and an edge portion; and wherein the edge portion is treated with a stiffening material.

21. (original) The fireplace of claim 12, wherein the enclosure comprises a front panel, a back panel, a bottom panel, a top panel and side panels; and wherein the back panel and side panels comprise a partial mirrored surface to produce a reflection of the flame element.

22. (original) The fireplace of claim 12, further comprising a log set disposed within the chamber.

23. (currently amended) A flame simulation apparatus for simulating a fire, the flame simulation apparatus comprising:

a flame element viewable to the observer;

a blower coupled to the flame element to alter a position of the flame element; and

a mechanical device coupled to the flame element that rotates the flame element about a vertical axis.

24. (withdrawn) The flame simulation apparatus of claim 23, wherein the mechanical device comprises an electric motor coupled to a drive pulley and a drive belt coupling the drive pulley to an idler pulley, wherein the flame element is coupled to the idler pulley to produce rotary motion of the flame element.

25. (original) The flame simulation apparatus of claim 23, further comprising a light source positioned to direct light upon the flame element.

26. (original) The flame simulation apparatus of claim 23, wherein the flame element comprises a silk material.

27. (original) The flame simulation apparatus of claim 23, wherein the flame element comprises a body portion and an edge portion; and wherein the edge portion is treated with stiffening material.

28. (currently amended) The flame simulation apparatus of claim 23, further comprising a blower coupled to the flame element to alter the position of the flame element wherein the blower is positioned vertically below the flame element.

29. (currently amended) An apparatus for simulating a fire, the apparatus comprising:

an enclosure defining a chamber; and

a flame simulation apparatus disposed within the chamber, wherein the flame simulation apparatus comprises:

a flame element viewable to the observer ~~coupled to~~; a moving means coupled to the flame element for moving the flame element about a vertical axis; and

a blower coupled to the flame element to alter the position of the flame element.

30. (withdrawn) The apparatus of claim 29, wherein the moving means comprises an electric motor coupled to a drive pulley and a drive belt coupling the drive pulley to an idler pulley; and wherein the flame element is coupled to the idler pulley to produce rotary motion of the flame element.

31. (currently amended) The apparatus of claim 29, wherein the ~~apparatus further comprises a blower coupled to the flame element to alter the position of the flame element~~ blower is positioned vertically below the flame element.

32. (original) The apparatus of claim 29, further comprising a light source positioned to direct light upon the flame element.

33. (original) The apparatus of claim 29, wherein the flame element comprises a silk material.

34. (original) The apparatus of claim 29, wherein the flame element comprises a body portion and an edge portion; and wherein the edge portion is treated with a stiffening material.

35. (original) The apparatus of claim 29, wherein the enclosure comprises a front panel, a back panel, a bottom panel, a top panel and side panels; and wherein the back panel and side panels comprise a partial mirrored surface to produce a reflection of the flame element.

36. (original) The apparatus of claim 29, further comprising a log set disposed within the chamber.

37. (currently amended) A method for simulating a flame of a fire, comprising the steps of:

providing a blower, a moving means, and a flame element viewable to the observer; and

coupling the flame element to [[a]] the moving means for moving the flame element from a fixed position about a vertical axis; and

moving the flame element with an air flow provided by the blower.

38. (withdrawn) The method of claim 37, wherein the moving means comprises an electric motor coupled to a drive pulley and a drive belt coupling the drive pulley to an idler pulley; and wherein the flame element is coupled to the idler pulley to produce rotary motion of the flame element.

39. (currently amended) The method of claim 37, further comprising the step of providing a blower positioned to move the flame element positioning the blower vertically below the flame element.

40. (original) The method of claim 37, further comprising the step of providing a light source positioned to direct light upon the flame element.

41. (original) The method of claim 37, wherein the flame element comprises a silk material.

42. (original) The method of claim 37, further comprising the step of treating an edge portion of the flame element with a stiffening material.

43. (currently amended) A method for simulating a fire within a fireplace, comprising the steps of:

providing an enclosure, a flame element, a mechanical structure, and a blower, wherein the enclosure defines a chamber;

disposing [[a]] the flame element viewable to the observer within the chamber; and

coupling the flame element to a mechanical structure configured to move the flame element from a fixed position within the chamber; and

positioning the blower vertically above or below the flame element, and moving the flame element with an air flow provided by the blower.

44. (withdrawn) The method of claim 43, wherein the mechanical structure comprises an electric motor coupled to a drive pulley and a drive belt coupling the drive pulley to an idler pulley; and wherein the flame element is coupled to the idler pulley to produce rotary motion of the flame element.

45. (currently amended) The method of claim 43, further comprising the step of ~~providing a blower positioned to move the flame element~~ forming the flame element in flame shape from a single piece of substantially flat material.

46. (original) The method of claim 43, further comprising the step of providing a light source positioned to direct light upon the flame element.

47. (original) The method of claim 43, wherein the flame element comprises a silk material.

48. (original) The method of claim 43, further comprising the step of treating an edge portion of the flame element with a stiffening material.